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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 LEWIS ANDERSON,

10 Plaintiff,

11 v.

12 XAVIER BECERRA, *et al.*,

13 Defendants.
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Case No. 1:20-cv-00068-DAD-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO CORRECT ERROR IN FILING
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS AND DISREGARDING
PLAINTIFF'S THIRD APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AS
UNNECESSARY

(ECF Nos. 12, 13)

16 Plaintiff Lewis Anderson is a state prisoner proceeding *pro se* in this civil rights action
17 pursuant to 42 U.S.C. § 1983.

18 On January 14, 2020, Plaintiff initiated this action by filing a complaint and an application
19 to proceed *in forma pauperis*. (ECF Nos. 1, 2.) On January 17, 2020, the undersigned issued
20 findings and recommendations, recommending that Plaintiff's application to proceed *in forma*
21 *pauperis* be denied pursuant to 28 U.S.C. § 1915(g), and that Plaintiff be ordered to pay the
22 \$400.00 filing fee in full in order to proceed with this action. (ECF No. 4.) The findings and
23 recommendations were served on Plaintiff and contained notice that any objections thereto were
24 to be filed within thirty (30) days after service. (*Id.* at 4.) On February 3, 2020, Plaintiff filed
25 written objections to the findings and recommendations. (ECF No. 8.) As of this date, Plaintiff's
26 application to proceed *in forma pauperis*, (ECF No. 2), and the undersigned's January 17, 2020
27 findings and recommendations remain pending before the assigned District Judge.

28 On February 3, 2020, Plaintiff filed a second application to proceed *in forma pauperis*.

1 (ECF No. 9.) On February 6, 2019, the Court disregarded Plaintiff's second application to
2 proceed *in forma pauperis* as unnecessary because Plaintiff's first application to proceed *in forma*
3 *pauperis* was still pending before the assigned District Judge. (ECF No. 10.)

4 Currently before the Court is Plaintiff's motion to correct error in filing the application to
5 proceed *in forma pauperis* and Plaintiff's third application to proceed *in forma pauperis*. (ECF
6 Nos. 12, 13.) In his motion, Plaintiff states that he is submitting a new application to proceed *in*
7 *forma pauperis* because he forgot to provide the Court with his prison trust account statement
8 showing the activity in his trust account for the six months prior to filing the complaint. (ECF
9 No. 12.)

10 However, since the Court has already disregarded Plaintiff's February 3, 2020 second
11 application to proceed *in forma pauperis*, Plaintiff's motion to correct error in filing the
12 application to proceed *in forma pauperis* is denied as moot. Further, as Plaintiff's first
13 application to proceed *in forma pauperis* is still pending before the assigned District Judge,
14 Plaintiff's third application is unnecessary. Therefore, Plaintiff's third application to proceed *in*
15 *forma pauperis* is denied as unnecessary.

16 Accordingly, it is HEREBY ORDERED that:

- 17 1. Plaintiff's motion to correct error in filing the application to proceed *in forma*
18 *pauperis*, (ECF No. 12), is DENIED as moot; and
- 19 2. Plaintiff's third application to proceed *in forma pauperis*, (ECF No. 13), is
20 DENIED as unnecessary.

21 IT IS SO ORDERED.

22 Dated: **February 11, 2020**

23 
24 UNITED STATES MAGISTRATE JUDGE